



PATENT
TS0764 (US)
CWS:EM

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Charles W. Stewart
Charles W. Stewart
Date: April 29, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
)
HENDRIK A. DIRKSE, HUBERTUS W. A. DRIES,)
and LOUIS E. STEIN)
)
Serial No. 09/831,038)
)
Filed May 3, 2001) April 29, 2004
)
SEPARATOR APPARATUS)
_____)

COMMISSIONER FOR PATENTS
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

AMENDMENT

This paper is in response to the non-final office action mailed January 30, 2004.

REMARKS

I. § 103 Rejection of Claims 1-8

Claims 1-8 have been rejected under 35 U.S.C. 103(a) as being unpatentable over the Baillie patent (U.S. 4,670,410). This rejection is traversed. Reconsideration and withdrawal of the rejection are respectfully requested in view of the following remarks.

The Examiner's rejection of claims 1-8 appears to be based on the assumption that the diffusion plate (41) and plate with holes (121) disclosed in the Baillie patent are equivalent structures to the sieve element of Applicants' claimed invention. Applicants, however,